

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee For Commercial Claims	
Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

December 22, 2022

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square
Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committee for Commercial Claims ("Commercial PEC") writes in response to Your Honor's December 1, 2022 Order soliciting briefs on two questions, "to aid in resolving default judgment motions against the Taliban." *See* ECF No. 8778.

We understand Your Honor's Order to have issued in response to the request from John Schutty, Esquire, counsel for certain plaintiffs in the *Ashton* matter, that the Court accept briefing as to who qualifies as an heir or survivor under the Anti-Terrorism Act ("ATA"), and that the Court should raise the statute of limitations *sua sponte* as to more recently filed claims against the Taliban. *See* Transcript of November 18, 2022 Hearing on Taliban Default Judgment Motions at p. 11.

There are no pending motions for default judgments against the Taliban on behalf of any commercial plaintiffs, and the Commercial PEC does not intend to take any position at this time with respect to the issues Mr. Schutty has raised concerning the universe of solatium claims authorized by the ATA, or the propriety of the Court raising the statute of limitations *sua sponte* as to more recently filed claims against the Taliban, but reserves its rights.

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Respectfully submitted,

COZEN O'CONNOR

By: /s/ Sean P. Carter

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*On behalf of the Plaintiffs Executive
Committee for Commercial Claims*

cc: All MDL Counsel of Record (via ECF)

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